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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 KEVIN BAZLEY,

11 Plaintiff,

12 v.

13 BRAND ENERGY SOLUTIONS
14 LLC, et al.,

15 Defendants.

CASE NO. C18-1648JLR

ORDER TO SHOW CAUSE

16 The court ORDERS removing Defendants Brand Energy Solutions LLC, Brand
17 Energy Services LLC, and BrandSafway LLC (collectively, "Defendants") to show cause
18 demonstrating by a preponderance of the evidence that the amount in controversy in this
19 case exceeds \$75,000.00, exclusive of interest and costs, under 28 U.S.C. §1332(a). *See*
20 *Valdez v. Allstate Ins. Co.*, 372 F.3d 1115, 1117-18 (9th Cir. 2004) (remanding case for
21 determination by the district court that the amount in controversy requirement was

22 //

1 satisfied); 28 U.S.C. § 1447(c) (“If at any time before final judgment it appears that the
2 district court lacks subject matter jurisdiction, the case shall be remanded.”).

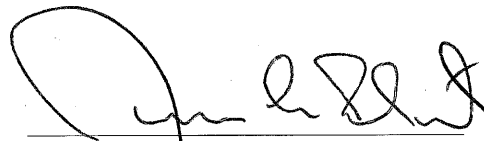
3 The federal removal statute, 28 U.S.C. § 1441, provides that a defendant may
4 remove an action to federal court on the basis of federal question or diversity jurisdiction.
5 Here, Defendants removed this action based on diversity jurisdiction under 28 U.S.C.
6 § 1332(a). (Not. of Rem. (Dkt. # 1) at 1.) Defendants’ notice of removal states that, in
7 reliance on Plaintiff Kevin Bazley’s complaint, “Defendants have a good faith belief that
8 he seeks damages in excess of the \$75,000 threshold to invoke this Court’s jurisdiction.”
9 (*Id.* at 2.) The notice of removal does not provide any additional evidence to support this
10 assertion. (*See generally id.*)

11 Mr. Bazley’s underlying complaint requests damages associated with an injury he
12 sustained while using scaffolding allegedly installed by Defendants. (Compl. (Dkt.
13 # 1-2) ¶¶ 3.1-3.2.) Mr. Bazley’s complaint does not describe the severity of his injury.
14 (*See generally id.*) Rather, Mr. Bazley’s explanation of his injury is simply that “his left
15 shoulder caught on an exposed bolt.” (*Id.* ¶ 3.1.) Likewise, Mr. Bazley’s complaint does
16 not specify the amount of damages he seeks. (*See generally id.*) The vague statements in
17 the complaint do not establish that the amount in controversy exceeds \$75,000.00; nor do
18 Defendants provide additional support that demonstrates by a preponderance of the
19 evidence that the amount in controversy exceeds \$75,000.00. (*See generally* Not. of
20 Rem.); *see also Geographic Expeditions, Inc. v. Estate of Lhotka ex rel. Lhotka*, 599 F.3d
21 1102, 1106-07 (9th Cir. 2010) (citing *Gaus v. Miles, Inc.*, 980 F.2d 564, 566-67 (9th Cir.
22 1992) (“If it is *unclear* what amount of damages the plaintiff has sought, . . . then the

1 defendant bears the burden of actually proving the facts to support jurisdiction, including
2 the jurisdictional amount.”).

3 Accordingly, the court ORDERS Defendants to show cause why this matter
4 should not be remanded to state court by filing a submission within ten (10) days of the
5 date of this order demonstrating that the \$75,000.00 amount in controversy requirement
6 has been met. Mr. Bazley may but is not required to respond to the court’s order within
7 the same timeframe.

8 Dated this ²⁷27 day of November, 2018.

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10 JAMES L. ROBART
11 United States District Judge
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